

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

EDUARDO M. PEREZ,

Plaintiff,

v.

WIS. DOC EX-SEC. MICHAEL SULLIVAN,
WIS. DOC SECRETARY, MATTHEW FRANK,
BHS-DOC R/N SHARON ZUNKER,
BHS NURSE MRS. WENDY DE MOTTS,
in their personal and official capacities,

Defendants.

ORDER

05-C-711-C

In an order dated September 13, 2007, I directed plaintiff Eduardo Perez to submit a certified copy of his trust fund account statement so that I could determine whether he is indigent for the purpose of proceeding on appeal in forma pauperis. (In the September 13 order, I found that plaintiff's appeal is not taken in bad faith and that he is not barred by the three strikes provision of 28 U.S.C. § 1915(g) from proceeding with his appeal in forma pauperis.) From plaintiff's trust fund account statement, I conclude that he is qualifies for indigent status. Further, I assess plaintiff an initial partial payment of the \$455 fee for filing his appeal in the amount of \$17.30.

IT IS ORDERED that plaintiff Eduardo Perez's request for leave to proceed in forma pauperis on appeal is GRANTED. Plaintiff may have until October 25, 2007, in which to submit a check or money order made payable to the clerk of court in the amount of \$17.30. If, by October 25, 2007, plaintiff fails to pay the initial partial payment or explain his failure to do so, then I will advise the court of appeals of his noncompliance in paying the assessment so that it may take whatever steps it deems appropriate with respect to this appeal.

Further, the clerk of court is requested to insure that the court's financial records reflect plaintiff's obligation to pay the \$17.30 initial partial payment and the remainder of the \$455 fee in monthly installments.

Entered this 4th day of October, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge